

DEC 14 2010

JULIA C. DUDLEY, CLERK
BY: *H. McDonald*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

GEORGE FREDERICK DELANEY,
Plaintiff,

v.

JOHN MARSH, M.D.,
Defendant.

) Civil Action No. 7:08-cv-00465
)
)
)

) **ORDER**
)

) By: Hon. Jackson L. Kiser
) Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that plaintiff's motion to vacate and enter default judgment (no. 121) is **DENIED**; plaintiff's motions to amend (no. 131, 135) are **DENIED**; Dr. Marsh's motion for summary judgment (no. 128) is **GRANTED in part and DENIED in part**: it is granted as to claims regarding the provision of the 2003 MCV Diet and refusal to exclude processed foods before the 2008 MCV Diet, and it is denied as to the delay in access to the 2008 MCV Diet; and the Clerk shall **SET** this matter for trial.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the plaintiff and counsel of record for the defendants.

ENTER: This 14th day of December, 2010.

Jackson L. Kiser
Senior United States District Judge